

# **EXHIBIT 7**



April 24, 2015

Jensen v. West Jordan City  
Ken Wallentine

<p style="text-align: right;">Page 2</p> <p style="text-align: center;">A P P E A R A N C E S</p> <p>For the Plaintiff: Ashley F. Leonard HOLLINGSWORTH LAW OFFICE, LLC 1115 South 900 East Salt Lake City, Utah 84105</p> <p>For the Defendants: Paul D. Dodd West Jordan City Offices 8000 South Redwood Road West Jordan, Utah 84088 * * *</p> <p style="text-align: center;">I N D E X</p> <table border="0"> <tr> <td>EXAMINATION</td> <td style="text-align: right;">PAGE</td> </tr> <tr> <td>By Mr. Dodd</td> <td style="text-align: right;">3</td> </tr> <tr> <td>By Ms. Leonard</td> <td style="text-align: right;">31</td> </tr> <tr> <td>By Mr. Dodd</td> <td style="text-align: right;">51</td> </tr> <tr> <td>By Ms. Leonard</td> <td style="text-align: right;">52</td> </tr> </table> <p style="text-align: center;">DepomaxMerit</p> <p style="text-align: center;">Linda Van Tassell, CRR/RMR/RDR</p>	EXAMINATION	PAGE	By Mr. Dodd	3	By Ms. Leonard	31	By Mr. Dodd	51	By Ms. Leonard	52	<p style="text-align: right;">Page 4</p> <p>1 Q. When were you POST certified?</p> <p>2 A. I don't recall when I was certified as a</p> <p>3 corrections officer. I was certified as a peace</p> <p>4 officer in 1981 or '82.</p> <p>5 Q. Okay. And where did you work in law</p> <p>6 enforcement?</p> <p>7 A. I started at Brigham Young University in</p> <p>8 the campus police there. I worked at the Provo City</p> <p>9 Jail and Provo City Police Department and have</p> <p>10 worked at a number of other agencies.</p> <p>11 Q. After your police career, did you later</p> <p>12 go to law school?</p> <p>13 A. During my police career I went to law</p> <p>14 school.</p> <p>15 Q. Okay. And when did you go to law school</p> <p>16 and when did you graduate?</p> <p>17 A. I went to law school from 1987 to 1990.</p> <p>18 I graduated in April, I believe it was, of 1990.</p> <p>19 Q. Did you begin working as an attorney</p> <p>20 after that?</p> <p>21 A. I have worked as an attorney</p> <p>22 consistently since then, most often part time as an</p> <p>23 attorney.</p> <p>24 Q. Okay. What was your job immediately</p> <p>25 after graduation?</p>
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<p style="text-align: right;">Page 3</p> <p>1 P R O C E E D I N G S</p> <p>2 K E N W A L L E N T I N E ,</p> <p>3 called as a witness on behalf of the defendants,</p> <p>4 being duly sworn, was examined and testified as</p> <p>5 follows:</p> <p>6 E X A M I N A T I O N</p> <p>7 BY MR. DODD:</p> <p>8 Q. Mr. Wallentine, would you please state</p> <p>9 your full name for the record.</p> <p>10 A. Ken Wallentine.</p> <p>11 Q. And could you give your address? I</p> <p>12 guess you don't have to if you don't want.</p> <p>13 A. No, I wouldn't.</p> <p>14 Q. Okay. Why don't we start with a little</p> <p>15 bit of just your -- you've had your deposition taken</p> <p>16 before.</p> <p>17 A. I have.</p> <p>18 Q. And I understand you're an attorney so</p> <p>19 you understand how these proceedings work.</p> <p>20 A. Generally, yes.</p> <p>21 Q. So I won't get into all the background</p> <p>22 of those things with you. Why don't we just start</p> <p>23 with your work background. Have you ever been a</p> <p>24 police officer?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 5</p> <p>1 A. Immediately after graduation I clerked</p> <p>2 for a law firm in Salt Lake. I then clerked for</p> <p>3 Judge Gregory Orme of the Utah Court of Appeals and</p> <p>4 then clerked for Judge Edith Jones, the chief judge,</p> <p>5 past chief judge now of the 5th Circuit Court of</p> <p>6 Appeals. I returned to Salt Lake City, worked for</p> <p>7 Parsons Behle &amp; Latimer and I believe it was 1994</p> <p>8 moved to the Uintah Basin where I worked in the</p> <p>9 county attorney's office as well as the county</p> <p>10 sheriff's office.</p> <p>11 Q. Okay. So did you work as a prosecutor</p> <p>12 when you went to Uintah County?</p> <p>13 A. Yes.</p> <p>14 Q. How long were you in Uintah County?</p> <p>15 A. I don't recall physically how long I was</p> <p>16 there. I believe it was until late 2001. There</p> <p>17 came a period of time when I was commuting from the</p> <p>18 Uintah Basin into Salt Lake City for work.</p> <p>19 Q. After 2001, what was your next</p> <p>20 employment?</p> <p>21 A. Well, 2001 I think is about when I</p> <p>22 moved. But prior to that I had taken a position as</p> <p>23 a bureau chief with the Utah Department of Public</p> <p>24 Safety. I think that was in 2000. And for a period</p> <p>25 of time I was driving back and forth from Vernal to</p>										

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<p>1 Salt Lake City for work.</p> <p>2 <b>Q. Okay. Did you ever have a job with</b></p> <p>3 <b>POST?</b></p> <p>4 A. I did. I was a bureau chief at POST.</p> <p>5 <b>Q. Okay.</b></p> <p>6 A. Which is part of the department of</p> <p>7 public safety.</p> <p>8 <b>Q. And what is POST?</b></p> <p>9 A. POST is an acronym for Peace Officers</p> <p>10 Standards and Training. It's a division of the</p> <p>11 department of public safety that oversees training,</p> <p>12 certification and misconduct investigations of law</p> <p>13 enforcement officers in the state of Utah.</p> <p>14 <b>Q. And you were the bureau chief there?</b></p> <p>15 A. I was the bureau chief over</p> <p>16 investigations and for a period of time bureau chief</p> <p>17 over in-service training.</p> <p>18 <b>Q. Okay. So as a bureau chief of</b></p> <p>19 <b>investigations, would you investigate allegations of</b></p> <p>20 <b>misconduct of a police officer?</b></p> <p>21 A. Yes. Investigate as well as supervise a</p> <p>22 staff of five or so, maybe more at some point,</p> <p>23 investigators who would investigate officers accused</p> <p>24 of misconduct.</p> <p>25 <b>Q. Okay. How many, ballpark figure, how</b></p>	<p>1 happened.</p> <p>2 <b>Q. What is your recollection?</b></p> <p>3 A. I received a phone call. I believe that</p> <p>4 the phone call came from Jeff -- is it Robertson or</p> <p>5 Robinson?</p> <p>6 <b>Q. Robinson.</b></p> <p>7 A. -- Robinson and he asked whether the</p> <p>8 attorney general's office would provide an</p> <p>9 investigator to offer some resources to the City of</p> <p>10 West Jordan in connection with a case dealing with</p> <p>11 Aaron Jensen.</p> <p>12 <b>Q. Okay. And are you aware, was that case</b></p> <p>13 <b>an internal affairs investigation or was it a --</b></p> <p>14 <b>what was the nature of the investigation would be a</b></p> <p>15 <b>better question.</b></p> <p>16 A. My recollection is that it was an</p> <p>17 employment investigation. It was an internal</p> <p>18 affairs or an internal city investigation.</p> <p>19 <b>Q. Okay. And do you recall why they were</b></p> <p>20 <b>seeking the AG's assistance?</b></p> <p>21 A. I don't have a very specific</p> <p>22 recollection. My understanding, my recollection is</p> <p>23 that there was some suggestion that the city's</p> <p>24 investigation might have been biased or might not</p> <p>25 have been as thorough as one of the parties may have</p>
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<p>1 <b>many cases of misconduct do you believe you were</b></p> <p>2 <b>involved in the investigation process when you were</b></p> <p>3 <b>at POST?</b></p> <p>4 A. Oh, my, it will be a ballpark figure.</p> <p>5 Directly involved in, well over 100. I also served</p> <p>6 twice as a member of POST counsel appointed by</p> <p>7 Governor Leavitt first. I also was involved in many</p> <p>8 cases in an adjudicative role, not investigating but</p> <p>9 overseeing the result of the investigation. I would</p> <p>10 say well over 100 and that's probably the closest</p> <p>11 I'm going to be able to give you.</p> <p>12 <b>Q. That's fine. After your position with</b></p> <p>13 <b>POST, where did you go?</b></p> <p>14 A. In 2005 I took the position as chief of</p> <p>15 law enforcement for the Utah Attorney General.</p> <p>16 <b>Q. Okay. And how long were you the chief</b></p> <p>17 <b>of law enforcement at the Utah Attorney General's</b></p> <p>18 <b>office?</b></p> <p>19 A. Until April 1, 2014.</p> <p>20 <b>Q. And while you were there at the attorney</b></p> <p>21 <b>general's office, did you ever become acquainted</b></p> <p>22 <b>with the name Aaron Jensen?</b></p> <p>23 A. I did.</p> <p>24 <b>Q. Do you recall how that happened?</b></p> <p>25 A. I have a vague recollection of how that</p>	<p>1 wished and that sort of investigation was something</p> <p>2 that was routinely performed by the attorney</p> <p>3 general's office on behalf of local government</p> <p>4 entities and I think Mr. Robinson knew that or had</p> <p>5 been told that by someone. Anyway, that was</p> <p>6 something that routinely the office did and so he</p> <p>7 made the phone call and made the request.</p> <p>8 <b>Q. Okay. Do you recall if there was ever</b></p> <p>9 <b>an issue of a possible conflict with West Jordan</b></p> <p>10 <b>doing their own investigation? Do you recall if</b></p> <p>11 <b>that was an issue?</b></p> <p>12 A. I don't have any recollection of that</p> <p>13 being part of the discussion, but again, I don't</p> <p>14 have a very solid recollection of that conversation.</p> <p>15 <b>Q. Okay. After that first conversation,</b></p> <p>16 <b>did you ever -- do you recall if you learned at any</b></p> <p>17 <b>point that there was an alleged conflict with West</b></p> <p>18 <b>Jordan performing -- finishing the internal</b></p> <p>19 <b>investigation?</b></p> <p>20 A. My sense is that there is some claim</p> <p>21 that there was. Whether there was an actual</p> <p>22 conflict or not, I don't know and, if I knew, I</p> <p>23 don't recall that.</p> <p>24 <b>Q. Okay. Normally when the city or other</b></p> <p>25 <b>agency seeks the AG's help for that type of</b></p>

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<p style="text-align: right;">Page 10</p> <p>1 investigation, is it normally because of -- well, 2 would it be abnormal for them to have a conflict 3 that they would seek an outside agency to help them? 4 A. No. That was for -- the attorney 5 general's investigation division is a very common 6 vehicle to become involved in a local agency 7 investigation. It was not at all out of the normal. 8 Q. Okay. After that phone call, did you 9 have -- do you recall a meeting with anyone from 10 West Jordan? 11 A. Yes. 12 Q. And you know what, I should probably ask 13 you this before we move on. The phone call -- I 14 know you're going to have to give a ballpark but do 15 you have any idea what time period that was? 16 A. I struggled -- when I got the notice to 17 come here for a deposition, I really had to plumb my 18 memory as to who Aaron Jensen was and what it was 19 about. I later remembered very generally what it 20 was about but I cannot -- I don't even remember the 21 year. It's been -- it has been several years. 22 That's the best I can tell you. 23 Q. I'm going to show you something just to 24 help you with your recollection. I know obviously 25 with the amount of investigations you have</p>	<p style="text-align: right;">Page 12</p> <p>1 through it and looking at some dates. 2 A. The first thing I see is 2008. I 3 probably would have pegged this in 2007, but I have 4 no reason to believe that it was not in 2008 that I 5 heard about this. 6 Q. Okay. Did your meeting at the City of 7 West Jordan happen close in time to the initial 8 phone call with Jeff Robinson? Your recollection. 9 A. It would have been relatively close, 10 within a few weeks. 11 Q. Okay. Is it possible that it could have 12 even been within a few days? 13 A. If I was not out of town, this is the 14 sort of thing that I would have handled fairly 15 quickly and that's how I typically would handle it 16 is decided whose caseload could take an 17 investigation, assign an investigator, set up a 18 meeting and basically I would make some 19 introductions and hand off the investigation. So if 20 it happened within a couple of days, that would make 21 sense but certainly was not more than a couple of 22 weeks. 23 Q. Okay. And do you recall where that 24 meeting took place? 25 A. I do. It was here in this building.</p>
<p style="text-align: right;">Page 11</p> <p>1 participated in, I'm sure this one didn't stick out 2 to you and there's no reason why you would have a 3 special memory of it so -- 4 A. That's actually accurate. This is one 5 that does not. It doesn't have facts that stuck in 6 my mind. 7 Q. That's fine. And that's definitely 8 understandable, so I'm going to show you a document 9 that is already an exhibit in a prior deposition. 10 A. Okay. 11 Q. You know who Cord Skinner is, correct? 12 A. I do. 13 Q. Who is Cord? 14 A. Cord, I believe he's still an 15 investigator at the attorney general's office but I 16 know Cord because I hired him and he worked for me 17 in the -- I believe at the time he was assigned to a 18 special investigations unit of the attorney 19 general's office. 20 Q. Cord has given a deposition in this case 21 and an exhibit in his case, Exhibit No. 9, is the 22 report that he performed on the Aaron Jensen case. 23 In this report there might be some information that 24 at least would help you get an idea of when the time 25 period was. Would you mind just kind of skimming</p>	<p style="text-align: right;">Page 13</p> <p>1 Q. Okay. And do you recall who was present 2 at that meeting? 3 A. The city attorney, Jeff Robinson, was 4 present, I was present, Cord Skinner was there, and 5 a man that I think was acting city attorney. I knew 6 him -- 7 Q. You mean city manager? 8 A. Or city manager, sorry, acting city 9 manager. I knew him as the fire chief, Brad Wardle. 10 Q. Okay. Did Cord come because you had 11 already assigned him to be the person to investigate 12 on this case? 13 A. Yes. 14 Q. Okay. And who made the decision to 15 assign Cord to the case? 16 A. I don't recall. Typically I would just 17 take a look at an individual investigator's caseload 18 in a unit and consult with a supervisor of that unit 19 and just -- I probably made that decision but I 20 don't recall. I certainly ratified it. 21 Q. Okay. And at the meeting that you had 22 with Jeff Robinson, Cord Skinner and Brad Wardle, do 23 you recall -- I know you're not going to recall the 24 specifics. Do you recall any of the topics that 25 were discussed that day?</p>

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<p>1 A. I recall a fairly brief description of 2 the nature of what it was that West Jordan was 3 asking. I believe that Jeff Robison was primarily 4 the spokesperson. I recall telling Mr. Wardle and 5 Mr. Robinson a little bit about Cord Skinner and why 6 I assigned Cord Skinner to the case and that's 7 really about all I remember. I don't remember it 8 being a long, drawn-out meeting.</p> <p>9 <b>Q. Okay. Why don't we look again at Cord 10 Skinner's report that's Exhibit 9 to his deposition, 11 and he has an investigative summary. Could you just 12 kind of read over that for a moment and see if 13 that -- just read over it for a moment.</b></p> <p>14 A. I've now looked at that and it refreshes 15 my memory.</p> <p>16 <b>Q. As far as -- I know you said it was 17 discussed kind of what the city wanted to be looked 18 at. Does that help you recall specifically what the 19 city wanted the AG to look into?</b></p> <p>20 A. It does, particularly item 3, the issue 21 of not completing reports. I recall that -- whether 22 it was that meeting or by another means, I recall 23 that there were a lot of reports. I recall thinking 24 that it was appropriate for Cord for some unique 25 talents he had.</p>	<p>1 chiefs, city administrators, and I had a pretty -- I 2 wouldn't say it was a standard speech but there were 3 certain elements of a meeting like this that I would 4 try to take some measure of control and I would 5 communicate, here's how we do business.</p> <p>6 I would introduce the investigator, 7 introduce Cord Skinner, tell them why I'd assigned 8 Cord Skinner. That Cord was very familiar with the 9 mechanics of policing. That he was one of my best 10 investigators for complicated, long-term 11 investigations. I doubt that I told them about his 12 caseload. I may have. I don't know.</p> <p>13 I would explain that once the 14 investigation began, that it was a one-way street of 15 communication. That Mr. Robinson and Mr. Wardle 16 were involved. They were welcome to talk to Cord 17 and talk to me but that we would not keep them -- 18 that we wouldn't be giving them progress reports. 19 They needed to understand that by turning something 20 over to us, it became our investigation, our work 21 product and that our staff would decide how the 22 investigation would proceed until we were to the 23 point of a conclusion.</p> <p>24 I also gave them a caution, because by 25 this time I'd had experience in one, maybe two other</p>
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<p>1 I remember that there were a number of 2 cases that he would have to review related to 3 improperly completed reports and improperly 4 closed-out reports as well as allegations that 5 reports had been -- that there were inaccurate 6 statements in reports.</p> <p>7 I do not -- and I remember something 8 about the statistics. I don't remember anything 9 about being a ghost sergeant. I don't remember that 10 being discussed.</p> <p>11 <b>Q. And do you recall the city -- were they 12 requesting for a criminal investigation into Aaron 13 Jensen at that time?</b></p> <p>14 A. No.</p> <p>15 <b>Q. Okay. And do you recall any statements 16 made by you or by Cord in that meeting in regards to 17 the process or the procedures if possible criminal 18 activity is discovered in their IA?</b></p> <p>19 A. It wouldn't have been Cord. It would 20 have been me.</p> <p>21 <b>Q. Okay.</b></p> <p>22 A. Although I don't remember the specifics 23 of this meeting, I have had a number of meetings 24 similar to that, both before this and after, with 25 mayors, county commissioners, city attorneys, police</p>	<p>1 cases where someone asked us to look at something 2 that they felt was administrative in nature and so I 3 made a comment to the effect that we start down the 4 street, you don't get to decide what happens if we 5 get at the intersection of administrative and 6 criminal.</p> <p>7 If we find -- you can deal with the 8 administrative stuff but if we find misconduct that 9 arises to one of two levels, we will pursue it and 10 you don't get to tell us no. And those two levels I 11 would have specified. If we find something that the 12 statute requires or suggests that we should report 13 to Police Officer Standards and Training, we will, 14 and then they can choose to take their own 15 investigation or not. But we'll report it to them. 16 We'll let you know, but we won't ask.</p> <p>17 And, if we find criminal conduct, we 18 will either -- typically a case like this would have 19 gone to -- we would have taken it to the presiding 20 district or county attorney in a jurisdiction so it 21 would have gone to the Salt Lake County District 22 Attorney's Office.</p> <p>23 I remember saying something like that 24 but that wasn't out of the ordinary. I mean, every 25 one of the meetings that I had with government</p>

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<p style="text-align: right;">Page 18</p> <p>1 officials in similar situations but in different 2 jurisdictions I basically laid out all those steps. 3 Here's the investigator. Here's what we do. We 4 take information. We don't provide it back to you 5 until we're all done. We get to make the choices as 6 to the consequence of what we find. 7 Then I probably -- typically I would 8 say, "If that's not acceptable to you, that's fine, 9 but then we're not offering any services." I don't 10 remember the specific words, sir, but that's pretty 11 much it. 12 <b>Q. Appreciate it. Why is it that you would</b> 13 <b>tell the agencies or the people that they don't have</b> 14 <b>control or decision if there is possible criminal</b> 15 <b>conduct found? You mentioned those two</b> 16 <b>incidences -- that you give a report to POST if it's</b> 17 <b>record or to the DA. Why is it that you would feel</b> 18 <b>the need to inform them that that wasn't in their</b> 19 <b>control, that that was beyond their control if that</b> 20 <b>was discovered?</b> 21 A. Well, for a couple of reasons. I had 22 had experiences in the past where a senior 23 government official, upon learning that the 24 investigation wasn't going the direction he thought 25 it would, wanted the investigation stopped.</p>	<p style="text-align: right;">Page 20</p> <p>1 probable cause that a crime had been committed, he 2 could identify the person who committed the crime, 3 if they chose to not report it or chose to try to 4 ignore it, is it possible that person could be 5 charged with a crime? 6 A. I would discipline that person 7 vigorously if that person worked for me. 8 <b>Q. Did the AG's office in their</b> 9 <b>investigation or I guess Cord Skinner in his</b> 10 <b>investigation, are you aware that he ever found any</b> 11 <b>conduct that he thought might be criminal conduct by</b> 12 <b>Aaron Jensen?</b> 13 A. He did. 14 <b>Q. Would that have been his decision or a</b> 15 <b>joint decision between you and him to -- did he</b> 16 <b>report those issues to you?</b> 17 A. He did. 18 <b>Q. And what was the common -- and I think</b> 19 <b>you kind of hinted at this before but let me get a</b> 20 <b>little more particular. When that was reported to</b> 21 <b>you, what was the common practice for the AG's</b> 22 <b>office? When there was possible criminal</b> 23 <b>misconduct, what was the common practice or</b> 24 <b>procedure on how to proceed after that point?</b> 25 A. If the alleged criminal conduct did not</p>
<p style="text-align: right;">Page 19</p> <p>1 I mean, I don't want it to sound to you 2 as if this was a chest-thumping exercise. I just 3 wanted everybody to understand that, by experience, 4 we'd just learned this was the best way to do it. 5 <b>Q. Upfront.</b> 6 A. Upfront. Just let everybody know 7 upfront. If you're okay with that, great. If not, 8 fine, we'll walk away. 9 And also because the attorney general's 10 office, the investigation division of the attorney 11 general's office, by statute, is an investigative 12 agency with statewide law enforcement authority and 13 there's both an obligation under the law as well as 14 an ethical obligation for law enforcement officers 15 that if evidence of a crime is discovered such that 16 the investigating officer believes that there's 17 probable cause basis to believe that a crime has 18 been committed and the person that committed can be 19 identified, both under policy and ethical standards, 20 an officer, including our own, would approach a 21 prosecutor to screen the case for criminal charges. 22 That was not -- if you're getting at saying that was 23 unique to this situation, it simply was not. 24 <b>Q. Okay. If an officer had discovered</b> 25 <b>information like you stated that he felt there was</b></p>	<p style="text-align: right;">Page 21</p> <p>1 cross county lines, significantly cross county 2 lines -- that is, if there was not an allegation 3 that criminal events occurred in multiple counties, 4 not just someone might live in a different county, 5 and if the subject matter was not a subject matter 6 that was within the exclusive or near exclusive 7 province of the attorney general's office -- for 8 example, when we investigate officers accused of 9 being involved in child pornography, we have 10 specialized prosecutors and specialized prosecutors 11 for a few other areas, then typically the 12 investigator would go to the local prosecutorial 13 authority in Salt Lake County and the district 14 attorney's office, in the other 28 counties it would 15 be the county attorney's office and make a screening 16 appointment just like any other investigator in that 17 particular county and present the investigation 18 without any further involvement from me or from 19 anybody in our office. 20 <b>Q. Are you aware that's what happened in</b> 21 <b>this case?</b> 22 A. I believe so. I believe I recall Agent 23 Skinner telling me he thought that he had something 24 that needed to be screened. And it wasn't so much 25 asking, as notifying me because I was his chief, as</p>

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<p>1 a matter of courtesy that he was going to go screen 2 it with -- I don't know that I ever knew but 3 somebody at the district attorney's office. 4 <b>Q. And would he have done that shortly</b> 5 <b>after the completion of his investigation?</b> 6 A. That would be the typical process. 7 <b>Q. Do you recall when or approximately when</b> 8 <b>he finished his investigation?</b> 9 A. I don't. 10 <b>Q. These reports are normally given right</b> 11 <b>at the end of the investigation; is that correct?</b> 12 A. Typically when the investigation is 13 concluded his supervisor or myself would approve the 14 report and that's typically the time that it would 15 be taken for screening. 16 <b>Q. Okay. The report date, what was the</b> 17 <b>report date that Cord Skinner drafted his</b> 18 <b>investigative summary?</b> 19 A. February 23, 2009. 20 <b>Q. And you don't have any information that</b> 21 <b>would lead you to believe that's not --</b> 22 A. That's about the right timeframe but I 23 have no recollection of the precise date. 24 <b>Q. Okay. But would it have been normal for</b> 25 <b>a meeting with the DA to be somewhere close to that</b></p>	<p>1 going to come to present the case or anything like 2 that. 3 A. I'm pretty sure I didn't. 4 <b>Q. And normally you wouldn't have been</b> 5 <b>involved in the case going to the district attorney;</b> 6 <b>is that correct?</b> 7 A. No. That is correct. If the 8 investigator felt that there was probable cause to 9 believe that a crime was committed and probable 10 cause to believe they could identify the person who 11 committed the crime, the investigator had the 12 authority to set up a screening appointment and 13 would be responsible for setting the screening and 14 going to -- at the time I think they were just doing 15 in-person screens -- going to the screening meeting 16 <b>Q. Okay. Do you recall during Cord's</b> 17 <b>investigation, was it normal practice or procedure</b> 18 <b>to have someone from the local agency provide a</b> 19 <b>contact person or someone for investigator to be</b> 20 <b>able to contact to get information?</b> 21 A. That was routine and that typically 22 would be someone assigned at the first meeting with 23 me and the city manager or the county commissioner, 24 the sheriff or whomever. Typically that would be 25 someone in a command position because we would want</p>
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<p>1 time period? 2 A. Typically. I don't even remember who 3 was district attorney at the time. There have been 4 times when it's been easy to get into the DA's 5 office for a screening. There's times that, unless 6 somebody's in custody, you take a number and wait 7 for a while, but it would have been in the general 8 timeframe. I would not have been involved in 9 setting that up, so I don't know. 10 <b>Q. Okay. So the district attorney at the</b> 11 <b>time, to my understanding, was Laura Miller. Do you</b> 12 <b>know her?</b> 13 A. I do. 14 <b>Q. How do you know her?</b> 15 A. Her husband -- I think it's her former 16 husband now -- wrote a paper about caves being 17 eligible for designation as federal wilderness 18 areas, an area of some interest to me, and I edited 19 the paper years ago and got to know him casually 20 through that and so I knew his wife ever so casually 21 in that context. And then I would have been in 22 various meetings with her during the tenure she held 23 as district attorney. 24 <b>Q. Okay. But you don't recall calling her</b> 25 <b>and giving her this case or telling her Cord was</b></p>	<p>1 to get access to the agency's files and records so 2 we need somebody that had the authority to do that. 3 <b>Q. Okay. Do you know a Captain Gary Cox?</b> 4 A. I do. 5 <b>Q. Do you recall, was he the person that</b> 6 <b>was assigned that role in Cord Skinner's</b> 7 <b>investigation?</b> 8 A. I don't remember. 9 <b>Q. That's fine. That's something Cord</b> 10 <b>would better testify to?</b> 11 A. Yeah. I wouldn't have had -- I've known 12 Gary Cox for a long time but I wouldn't have had 13 any -- I typically would not and did not in this 14 case have any dealings at that level once the 15 investigation started. That would have been the 16 investigator's duty. 17 <b>Q. But that is normal to have someone in</b> 18 <b>that role in the local agency to assist the</b> 19 <b>investigator from the attorney general's office.</b> 20 A. The rule, the typical operation would be 21 the command level person at the agency would be 22 designated and would be the go-to person who -- they 23 may not even be told why but that's someone that 24 Cord could go to, whether it was Captain Cox or 25 someone else. Cord could say, "I need this span of</p>

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<p style="text-align: right;">Page 26</p> <p>1 records or I need access to this officer. Please 2 set it up.".</p> <p>3 <b>Q. Okay. To your knowledge, did West</b> 4 <b>Jordan ever try to do anything to influence change</b> 5 <b>or have any effect on the investigation of the</b> 6 <b>attorney general's office?</b></p> <p>7 A. No.</p> <p>8 <b>Q. Did they ever try to put pressure on the</b> 9 <b>attorney general's office to contest certain</b> 10 <b>outcome?</b></p> <p>11 A. No.</p> <p>12 <b>Q. What would have been your reaction if</b> 13 <b>somebody had attempted to do any of those things?</b></p> <p>14 A. They would have been loudly, vigorously 15 and aggressively rebuffed.</p> <p>16 <b>Q. Did you ever hear Cord Skinner report to</b> 17 <b>you that someone tried to influence him personally</b> 18 <b>or tried to do anything to determine the outcome of</b> 19 <b>the case to him personally?</b></p> <p>20 A. No. And by this point in Cord's career 21 he had worked for me long enough that he, I'm 22 certain, knew how I would respond to something like 23 that. I prized our agency's independence and held 24 that to be of significant value and my staff knew 25 that.</p>	<p style="text-align: right;">Page 28</p> <p>1 confidence in his ability to make those kind of 2 determinations.</p> <p>3 <b>Q. Okay.</b></p> <p>4 A. Had then; still do.</p> <p>5 <b>Q. From what you've seen in the report and</b> 6 <b>what you know about that investigation and reporting</b> 7 <b>it to the DA, was there anything unusual or</b> 8 <b>different or strange about this case than a normal</b> 9 <b>case the AG handles?</b></p> <p>10 A. No. There have been a number of cases 11 throughout the state but also here in Salt Lake 12 County where we've investigated, found evidence of a 13 crime, often evidence that wasn't known to the 14 agency, took it to the district attorney's office 15 and prosecuted police officers.</p> <p>16 <b>Q. Okay. No one asked West Jordan City's</b> 17 <b>permission or anything to take it to the DA; is that</b> 18 <b>correct?</b></p> <p>19 A. No. I mean no, we did not. That's not 20 again -- first they would have been told that's not 21 something they get to decide.</p> <p>22 <b>Q. Okay. Were you aware that Laura Miller</b> 23 <b>had previously been an employee of West Jordan?</b></p> <p>24 A. I was not aware then and, if you're 25 telling me that now, that's news to me.</p>
<p style="text-align: right;">Page 27</p> <p>1 <b>Q. Okay. And was it normal for Cord to</b> 2 <b>periodically give a report, whether it's just</b> 3 <b>telephonically or in person, of the progress of the</b> 4 <b>investigations he was working on?</b></p> <p>5 A. Yes. Not in any great detail.</p> <p>6 <b>Q. Okay. Did you ever discuss -- and you</b> 7 <b>might not recall, but do you recall ever discussing</b> 8 <b>with Cord the decision to turn things over to the</b> 9 <b>Salt Lake County District Attorney's Office?</b></p> <p>10 A. As I mentioned, it would be typical for 11 him to just give me a courtesy notification. You 12 know, I did ask my staff, not just in this context, 13 but any context, that if they were going to have 14 significant contact from an outside agency, that 15 they just let me know. So I'm pretty sure he'd let 16 me know but I don't recall any substantive 17 discussion. Certainly he would not need to ask my 18 permission to clear it with me.</p> <p>19 <b>Q. Okay. Do you recall -- and you might</b> 20 <b>not. Do you recall ever reviewing any of the</b> 21 <b>evidence to see if you believed there was sufficient</b> 22 <b>evidence for him to do that or did you leave that up</b> 23 <b>to him?</b></p> <p>24 A. I did not. Among the reasons Cord was 25 assigned to this case is that I had a lot of</p>	<p style="text-align: right;">Page 29</p> <p>1 <b>Q. Okay. But, if you had known, that</b> 2 <b>wouldn't have affected your decision or the</b> 3 <b>investigation on how it proceeded by the AG's</b> 4 <b>office; is that correct?</b></p> <p>5 A. That's correct.</p> <p>6 <b>Q. Do you know Judge Paul Parker?</b></p> <p>7 A. I do.</p> <p>8 <b>Q. Do you know Robert Parrish?</b></p> <p>9 A. Yes.</p> <p>10 <b>Q. Are you aware -- I should have asked you</b> 11 <b>this first. Do you know who at the Salt Lake County</b> 12 <b>District Attorney's Office met with Cord and took</b> 13 <b>over that investigation?</b></p> <p>14 A. I don't.</p> <p>15 <b>Q. Okay. Do you believe Paul Parker is a</b> 16 <b>competent and intelligent prosecutor, that he had</b> 17 <b>the ability to understand his role as a prosecutor</b> 18 <b>and to fulfill those roles?</b></p> <p>19 A. Well, he was. He's now a judge but --</p> <p>20 <b>Q. At the time he was a prosecutor did you</b> 21 <b>feel he was?</b></p> <p>22 A. I did. I've known Judge Parker for many 23 years. He's a former Uintah Basin resident and I 24 had then and still have respect for his professional 25 capabilities.</p>

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<p style="text-align: right;">Page 30</p> <p>1 Q. And Robert Parrish, do you believe that 2 he -- and I believe he is still a prosecutor at the 3 DA's office. Do you believe that he is a competent 4 prosecutor and understands the process and how -- 5 what's your opinion of Robert Parrish? 6 A. I knew Mr. Parrish through some child 7 abuse prosecutions. I did not know he was with the 8 district attorney's office but, in my dealings, I 9 always found him to be very competent and very 10 professional. 11 Q. Were you ever aware that Aaron Jensen 12 had filed a sexual harassment claim against some of 13 his superiors in the West Jordan Police Department? 14 A. I heard that at some point. I don't 15 know at what point I heard that. 16 Q. Do you believe it was during the 17 investigation or after? 18 A. I don't know. 19 Q. With that information, if you were aware 20 of it during the investigation or not aware of it 21 during the investigation, would that information 22 change the way the investigation is performed? 23 A. No. 24 Q. Why not? 25 A. It would not be uncommon -- the kind of</p>	<p style="text-align: right;">Page 32</p> <p>1 Office. We're in Salt Lake City. 2 A. Nice to meet you. 3 Q. You too. Do you know Aaron Jensen. 4 A. I do not. 5 Q. You've never met him? 6 A. No. 7 Q. Have you ever seen Aaron on the news? 8 A. No. 9 Q. And you were the chief of special 10 investigations unit for the AG's office; is that 11 right? 12 A. No. I was the chief law enforcement. 13 The special investigations chief would have worked 14 for me. 15 Q. Okay. And you were in that position for 16 over ten years? 17 A. Nine. 18 Q. Until April 2014? 19 A. Correct. 20 Q. And did you retire? 21 A. I did. 22 Q. Okay. 23 A. You should make that your goal, to 24 retire on April Fool's Day. When you're at the 25 party tell everybody you're kidding.</p>
<p style="text-align: right;">Page 31</p> <p>1 cases that the attorney general's office would be 2 asked to look at by a local entity more often than 3 not involved some difficulty, some thorniness, some 4 allegation of bias or nepotism or prejudice and 5 we didn't really get the routine cases. Because of 6 that, our investigators always had to be very 7 sensitive to understanding that there were emotions 8 and biases at work. 9 I would have expected if Cord Skinner 10 had been told that, I would have expected that he 11 would have, while being aware of it, he would have 12 been just as thorough in his investigative process 13 as if he hadn't been aware of it. 14 MR. DODD: I don't think I have any 15 other questions for you today. 16 THE WITNESS: All right. Do you have 17 any questions? 18 MS. LEONARD: I do. 19 THE WITNESS: We're going to take a 20 break. 21 (Recess.) 22 EXAMINATION 23 BY MS. LEONARD: 24 Q. I'm Ashley Leonard. I'm one of Aaron 25 Jensen's attorney. The firm is Hollingsworth Law</p>	<p style="text-align: right;">Page 33</p> <p>1 Q. And in your role as chief, how often 2 were you asked to conduct internal investigations 3 into a public employee from a different agency? 4 A. Well, the number would certainly 5 fluctuate but I think probably every month, maybe 6 every two months. 7 Q. Okay. And every month, would that just 8 be one request from an agency? 9 A. Yes. 10 Q. And how would you typically receive that 11 communication? 12 A. There could be a couple of ways. I 13 suppose the most common would be to receive a phone 14 call directly. Another common path would be for 15 the -- there's a committee in the attorney general's 16 office, or was, I think it's still there -- called 17 the civil review committee and that is a group 18 of assistant attorneys general and other staff 19 members who review and receive complaints from 20 private citizens, from government employees and 21 government entities about alleged misdoings in 22 government operations. 23 And so the civil review committee 24 occasionally would refer a case. In other words, 25 someone would come to them and they'd say, "Not</p>

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<p style="text-align: right;">Page 34</p> <p>1 appropriate for us. See Chief Wallentine." 2 Or they may ask to have an investigator 3 assigned to them to assist them in an investigation. 4 And occasionally -- I can't think of any specific 5 occasion but occasionally the attorney general or 6 one of the chief deputies might make a phone call or 7 refer somebody to me. 8 <b>Q. Okay. In this case, to the best of your</b> 9 <b>knowledge, you remember it was Jeff Robinson who</b> 10 <b>called you directly.</b> 11 A. I believe so. 12 <b>Q. Had you known Jeff Robinson prior to</b> 13 <b>that phone call?</b> 14 A. I don't think so. You know, he may have 15 participated in continuing education activities or 16 something that I had done over the years but I 17 certainly didn't have any relationship with him. 18 <b>Q. Okay. Had he ever asked you prior to</b> 19 <b>calling about Aaron Jensen to investigate a West</b> 20 <b>Jordan Police Department employee?</b> 21 A. I don't think so. 22 <b>Q. After Aaron's case did he ever call you</b> 23 <b>to ask for a similar favor?</b> 24 MR. DODD: Objection. Misstates 25 testimony.</p>	<p style="text-align: right;">Page 36</p> <p>1 other than telling me the general nature. I believe 2 that in the phone call he may have said something 3 about there being a number of reports because that 4 probably was a factor in why I selected Cord 5 Skinner. And I don't know if he suggested or if I 6 told him that it would be my preference because it 7 was my routine practice. 8 My employees and family will tell you, I 9 don't like telephones. I prefer to be in a room 10 with somebody. So I probably said, "You know, I 11 would prefer to come and sit down with you and bring 12 the investigator and tell us what you've got." 13 <b>Q. Okay. And you said that you assigned</b> 14 <b>Cord because of the number of reports; is that</b> 15 <b>right?</b> 16 A. No. I assigned Cord in part because 17 there were a number of reports and Cord had -- when 18 Cord worked for me he handled a few cases that had a 19 lot of document management needs and he also had 20 particular skill with records management systems. 21 In law enforcement there are a number of 22 RMSs or records management systems and Cord had had 23 experience working with different agencies' record 24 management systems. So that, and the fact that he 25 was a really good investigator and, as I recall, had</p>
<p style="text-align: right;">Page 35</p> <p>1 A. I don't know that -- I don't know that I 2 ever had any other communication with him about any 3 other cases. It certainly wasn't referred to as a 4 favor. It's just something that was a fairly 5 routine type of request for our office. 6 <b>Q. Okay.</b> 7 A. If I had any other contact with him, I 8 don't recall. 9 <b>Q. Do you know how he knew to call you?</b> 10 MR. DODD: Objection. Speculation. 11 A. I don't. I mean, at the time you could 12 go to the attorney general's website and find my 13 name and contact information. I've been a police 14 officer or practicing public attorney for well over 15 three decades and I've served on a number of bar 16 committees. I'm not that hard to find. 17 <b>Q. Okay.</b> 18 A. I try to be now that I'm old and 19 retired. I try to be in sunny places most of the 20 time. 21 <b>Q. What do you remember Jeff Robinson</b> 22 <b>telling you in that phone call?</b> 23 MR. DODD: Objection. Asked and 24 answered. 25 A. I don't remember much of the phone call</p>	<p style="text-align: right;">Page 37</p> <p>1 some time, made him a good candidate. 2 <b>Q. Okay. Do you remember if Jeff Robinson</b> 3 <b>had told you that a lieutenant and a captain from</b> 4 <b>the West Jordan Police Department had already</b> 5 <b>internally investigated Aaron?</b> 6 MR. DODD: Objection. Form of the 7 question. 8 A. I don't recall. I don't remember. 9 <b>Q. And if you'd look at Exhibit 9 from Cord</b> 10 <b>Skinner's deposition. Have you seen Exhibit 9</b> 11 <b>before today?</b> 12 A. Yes. 13 <b>Q. When did you first see it?</b> 14 A. I don't recall but it would have been 15 about the time that it was completed, submitted for 16 approval, so it would have been over five years ago. 17 <b>Q. Okay. And the investigative summary</b> 18 <b>that we're looking at, what's that report date?</b> 19 A. February 23, 2009. 20 <b>Q. Okay. Would that have been the date</b> 21 <b>that it was completed or submitted for approval?</b> 22 A. That's typically the day -- it should 23 have been the day it was completed. 24 <b>Q. Okay. So would you have approved this</b> 25 <b>report around that time?</b></p>

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